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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SIXTH APPELLATE DISTRICT

In re LINDA A., a Person Coming Under
the Juvenile Court Law.

H039807
(Santa Cruz County
Super. Ct. No. DP002137)

SANTA CRUZ COUNTY HUMAN
SERVICES DEPARTMENT,

Plaintiff and Respondent,

v.

R.P. et al.,

Defendants and Appellants.

Appellants R.P. (mother) and A.P. (father) challenge the juvenile court's denial without a hearing of their Welfare and Institutions Code section 388¹ petitions and the court's termination of their parental rights to their daughter Linda. They claim that the court abused its discretion in denying their petitions because each of the petitions made out a prima facie case for granting them additional reunification services. Appellants contend that the juvenile court erred in terminating their parental rights because they

¹ Subsequent statutory references are to the Welfare and Institutions Code.

established the applicability of the parental relationship exception to adoption. We reject their contentions and affirm the juvenile court's orders.

I. Factual and Procedural Background

In August 2009, when Linda was two years old, the Santa Cruz County Human Services Department (the Department) filed a petition alleging that the parents had failed to protect Linda from a substantial risk of harm due to father's domestic violence (§ 300, subd. (b)) and that mother had neglected Linda's sibling (§ 300, subd. (j)). The petition was prompted by father's July 2009 arrest for domestic violence against mother while Linda was present. He had a prior history of domestic violence against mother and other partners including a 2005 conviction. He also had a history of arrests for weapons. Mother had untreated mental health problems and a history of substance abuse and neglecting her children. One of her older children had been removed from her custody in 2002 and relinquished for adoption due to mother's substance abuse problems.

Mother subsequently denied that father had physically assaulted her; she claimed that she had lied to the police about the July 2009 incident and prior incidents of father's domestic violence. Linda was not detained. Mother and father continued to live together with Linda, and mother consistently denied that father was violent toward her. Mother, who was 30 years old, claimed that she had been sober for three years at the commencement of the dependency proceedings. She had begun using drugs when she was a teenager, but she claimed she had stopped using drugs when she found out that she was pregnant with Linda. Father claimed that he had never had a substance abuse problem.

The Department recommended that the court take jurisdiction over Linda and the parents be provided with family maintenance services. Mother and father waived their rights and submitted on the petition and the social worker's report. The court sustained

the petition in October 2009 and ordered family maintenance services. The case plan included a domestic violence program, mental health services, and counseling.

The parents made little progress on their case plan by the time of the six-month review hearing in March 2010, but the Department recommended six more months of family maintenance services. The parents submitted again, and the court accepted the Department's recommendation. The same thing was true at the time of the 12-month review hearing in December 2010. The parents had made little progress on the case plan, but the Department recommended, and the court accepted the recommendation, that family maintenance services be extended for another six months.

In March 2011, there were multiple reports that mother was using heroin, and father reported that mother was disappearing for days at a time. The social worker requested that the parents be drug tested. In April 2011, both mother and father tested positive for methamphetamine, and mother tested positive for morphine. At the Department's request, the court modified the case plan in May 2011 to include substance abuse services.

By the time of the June 2011 18-month review hearing, the social worker was reporting that Linda had changed over the previous year from a happy child to "a child who interacts with the world with caution and avoidance." Mother had begun to engage in some of the substance abuse services, but father denied that he had a substance abuse problem that required treatment. The social worker was seriously concerned because, after 18 months of family maintenance services, Linda was not doing as well as she had been at the commencement of the dependency proceedings. The parents had failed to make substantial progress on their case plan. The Department recommended that Linda be detained and removed from parental custody, and it was preparing to file a section 387 petition the day after the 18-month review hearing. The court ordered Linda temporarily detained pending the filing of the section 387 petition.

The Department filed its petition the next day. Linda was formally detained, and the court ordered supervised visitation three times per week. Linda was placed with her paternal aunt. The parents submitted on the petition and the social worker's report, and the court sustained the section 387 petition. Linda was removed from parental custody, and the parents were granted reunification services.

As of the interim review in October 2011, the parents were participating in their case plan, but they had not begun domestic violence services. By the time of the January 2012 six-month review hearing, the social worker reported that Linda was seeing a therapist about issues related to her experiences in her parents' care. Father had not been participating regularly in counseling or attending anger management classes, and he continued to deny that he had any need for them. Overall, the parents did not "seem to recognize the actual changes they need to make to establish a safe environment for Linda." However, they were visiting Linda regularly, and the visits were very positive and appropriate. The parents were making some progress on their case plan, and the Department recommended that reunification services be continued. The court accepted that recommendation.

By June 2012, the parents had progressed to unsupervised visits with Linda. In June 2012, Linda had her first overnight visit with parents since her detention. She reported that mother screamed at father and hit him in the head with a shoe. The social worker investigated the incident, but the investigation was inconclusive. The unsupervised and overnight visits continued. Mother had graduated from Family Preservation Court, and she continued her substance abuse treatment. However, she had not participated in domestic violence classes. Father also graduated from Family Preservation Court, and he completed a 12-week anger management course and a yearlong substance abuse treatment program. However, the parents were not participating in counseling. At the 12-month review hearing in July 2012, the Department recommended that reunification services be continued, and the court so

ordered. Visitation was increased to five times per week. In late August 2012, Linda began an extended unsupervised visit with the parents that lasted until early November 2012. The visit was terminated after father tested positive for methamphetamines in late October 2012, and the parents failed to fully engage in necessary services. Visitation returned to supervised visits three times a week.

In December 2012, the Department filed a section 387 petition seeking removal of Linda from her placement with her paternal aunt. The paternal aunt was not providing appropriate care for Linda, her home was unsafe, she was emotionally abusive toward Linda, and she was interfering with the parents' visitation. The court ordered Linda detained, and she was placed in the home of a nonrelative extended family member.

At the 18-month review hearing in January 2013, the Department recommended that reunification services be terminated. Linda's therapist had tried to arrange family therapy with the parents, but the parents repeatedly cancelled appointments. Mother still had not attended domestic violence classes. The parents had only just recently begun individual counseling. Linda's Court Appointed Special Advocate (CASA) felt that it was "imperative that [the Department] work to develop a plan for permanent placement, so that Linda does not continue to bounce back and forth between homes," which was detrimental to Linda's emotional health. The parents' supervised visits with Linda had continued to be very positive and appropriate. The court found that the parents had made only "minimal" progress toward fixing the problems that had led to Linda's removal. The court terminated services, reduced visitation to twice a month, and scheduled a section 366.26 hearing for May 30, 2013. The court also sustained the section 387 petition and placed Linda in foster care with a nonrelative extended family member. In early February 2013, Linda was informed by the social worker that her parents' services had been terminated, and she would not be returning to their care. Linda subsequently told a visit supervisor that she wanted to live with her parents and did not want to be adopted.

At the May 30, 2013 hearing, the court set the matter for a settlement conference on June 11 and a contested section 366.26 hearing on June 21. The parents informed the court that they were going to file section 388 petitions later in the day. The court noted that filing a section 388 “at the .26” generally would not allow the court “to consider [it] in a timely fashion.” While the court noted that it would have preferred that the petitions had been filed earlier so that a determination could have been made at the May 30 hearing as to whether a hearing was necessary on the petitions, the court said that it would deal with the petitions when they were filed. The court expressed concern about the daily phone calls between the parents and Linda, found that they were not in Linda’s best interest, and directed the Department to have the therapist come up with “a more reasonable calling schedule.”² The Department told the court that it was in contact with the paternal great-uncle and aunt who “sound like a really good family” and were willing to adopt Linda and provide a permanent home for her.

The section 388 petitions, which were filed on May 30, 2013, sought additional reunification services and asserted that it was “in Linda’s best interest to be raised by her parents.” Father’s petition was supported by evidence that he had been working on his sobriety and attending sessions on preventing domestic violence. He had completed counseling, and he was taking medication for depression. Mother’s petition was supported by evidence that she was maintaining her sobriety and continuing to work on her substance abuse problems. Mother had continued to attend counseling in January and February 2013, prior to services being terminated, but not thereafter. She had obtained stable housing, was working part time, and was regularly visiting Linda and maintaining

² Linda’s CASA had reported that Linda was “often crying and upset” after talking with her parents over the phone. After the May 30 hearing, father told Linda that he would no longer be able to call her every day. Apparently, the parents were thereafter limited to weekly phone calls.

daily phone contact with her. Linda's visits with her parents from January 2013 through May 2013 had continued to be positive.

At the June 11, 2013 settlement conference, the court entertained argument regarding the section 388 petitions. The Department asked the court to deny the petitions without a hearing because additional reunification services would not be in Linda's best interest. It argued that Linda had been "in a state of limbo for a very long time," and "she has waited far too long for permanency and it would have a negative impact on her." Linda's trial counsel agreed. Mother's trial counsel argued very briefly that there had been a change of circumstances, and it would be in Linda's best interests for there to be an additional six months of reunification services. Father's counsel argued that a change in his medication had helped him to overcome his anxiety and depression and become motivated to reengage in services. She also urged that, because Linda's placement was going to be changed again, and Linda was very attached to father and wanted to return to his care, it would be in Linda's best interest to pursue services that would return her to his care.

The court found that mother had not made out a prima facie case because she alleged no new circumstances since termination of services other than her part time job, which was not significant to the issues concerning Linda's care. Father had alleged some new circumstances, including his completion of domestic violence prevention classes and his volunteer work, that showed "he is trying to engage in a different level of his own life." However, he was just "starting a process," and Linda needed a decision on her future now. Therefore, the court found that he had failed to make a prima facie showing that additional reunification services would be in Linda's best interest. The court denied both petitions without an evidentiary hearing.

At the commencement of the June 21, 2013 section 366.26 hearing, the court pointed out that "I've been the Judge on this case since the beginning, so I'm aware of the history of the case." The Department submitted the social worker's report and a report

from Linda's CASA. The social worker's report recognized that Linda "has a connection with her birth parents that is important to maintain. However, Linda is in desperate need of stability and needs time to settle in with a forever family." "Linda appears to be confused and living in a state of instability due to the fact that she had returned home and was once again returned to foster care. Linda needs a chance to grow up in a stable home where she feels safe and secure. Linda needs a chance at a forever home that will provide her with an environment free of drugs and violence and that will allow her to grow up to be a safe and confident individual." "Linda's need for stability and permanency supersedes any connection with her parents." The social worker reported that visits had continued to be positive, and Linda enjoyed brief, frequent telephone conversations with father.

The CASA reported that, as of May 2013, Linda's emotional health had deteriorated. She had become "emotionally needy" at school and had begun lying to her teacher, her CASA, and her foster mother. Linda was "experienc[ing] anxiety and uncertainty" about whether she would be returning to her parents' care. She would become upset after seeing her parents when she realized she could not go home with them, and she was "often crying and upset" after talking with her parents over the phone. Linda tried to hurt another child in her foster home, and she said she did so in the hope that her "bad" behavior would result in her being returned to her parents. Linda's CASA recommended that Linda's contact with her parents be "minimize[d] . . . for the sake of her emotional well-being, until permanency is achieved."

The Department also submitted offers of proof as to the testimony of the social worker and Linda's therapist, and all parties stipulated to the admission of the offers of proof. The social worker explained that an adoptive home had been identified for Linda with her paternal great-uncle and aunt, and Linda would be moving there at the end of June. The paternal great-uncle and aunt were willing to adopt Linda and provide a permanent home for her. Linda had been visiting with the paternal great-uncle and aunt,

and the visits had gone well. The social worker acknowledged that Linda's "connection with" her parents was "important to maintain," but she believed that "Linda's primary need is to have the kind of stability and permanency in her life that adoption affords."

Linda's therapist, who had been seeing her weekly since June 2011, explained that Linda suffered from "anxiety and depression . . . largely due to her uncertainty about what the future holds for her and where she will be." Linda "is pretty distressed right now," and "confused about where she might live and this causes anger and hostility." He recommended that Linda "be in a place where she can settle, where she can have stability and permanency." "Linda would benefit greatly from being placed permanently in a home that she can root, year in and year out. This is really important in Linda's case because of the lack of this opportunity during her life." The therapist noted that Linda "is very bonded to her father and cares about him very much. She is very attached to her parents. [¶] The frequent contact with her parents is a mixed bag. It boosts her up when she sees her parents, but when she's not going home it upsets her. I can't imagine that it was good for the parents to be calling her every day."

The parents introduced the visitation logs, which showed that the visits between the parents and Linda had continued to be pleasant and positive. Mother testified about the visits. She also testified that she felt that Linda would benefit from continued contact with mother and father. "She's very, very, very close with her daddy, and she loves us. . . . [S]he needs to be able to see us and talk to us. She's very, very close with both of us." "I've seen her have a lot of problems from not having contact with us." "I'm just really afraid that if we were just to be gone from her life that -- I don't think she would do very well with that. And I'm afraid it would cause problems in her future."

Father testified that he had first met Linda when she was five months old.³ He cared for her from then until she was removed from parental custody. Since her removal,

³ He had been in prison when she was born.

he had visited with her regularly, and, until phone contact was limited, he had called her every day. During visits, he helped her with her homework, read to her, played with her, sang to her and with her, brought her food and clothing, talked to her, and told her how much he loved her. Linda kissed and hugged him and told him how much she loved him. Father admitted that it was “a challenge” for him to set limits for Linda, but he was “getting better doing that.” “[S]etting limits is hard, but I’m working on it.” “I think our attachment is [so] great that if I wasn’t a part of her life I think it would really just ruin her. . . . It would really hurt her . . . it would hurt her life . . .” Linda had told father that “no matter what when she turns 18 she’s coming home.” Father agreed that it was “[v]ery hard” for Linda not knowing if she would return to the parents’ care and that it had been damaging to Linda to be “in limbo” for so long. Father believed that the placement with the paternal great-uncle and aunt was “the best place” for Linda “if she can’t come home.” “They are really good parents.” Father expected the paternal great-uncle and aunt to allow him continued contact with Linda.

The social worker testified in rebuttal that “Linda is very confused about where she belongs.” “[S]he doesn’t know if she belongs at home, or if she belongs with the foster parent, or in foster care. She’s just confused about where she’s gonna end up.” As a result, “Linda is not able to have roots in a family.” In her opinion, a legal guardianship would be detrimental to Linda because it is “not permanent” and “could end at any time.” “It wouldn’t be good for her to know that at any point she can be picked up and taken somewhere else one more time.” The paternal great-uncle and aunt had been married for 20 years. They had three children, the eldest of whom was in college. Their home had been approved for placement and was “ready for Linda to move in.” The paternal great-uncle and aunt were fully committed to Linda and wanted to adopt her. They had known Linda since she was three years old and had seen her at family gatherings a number of times. Linda had already had an overnight visit with them that was successful. Linda had asked the social worker “when can I go live with them.”

The Department acknowledged in argument that the parents had maintained regular visitation and that there was a “strong bond” between Linda and the parents. However, due to Linda’s anxiety, depression, confusion, and instability, it would be detrimental to her not to proceed to adoption. “Linda’s needs for permanency can no longer wait.” The parents argued that the court should find that the parental relationship exception applied and select legal guardianship as Linda’s permanent plan.

The court found Linda to be adoptable. Although the court agreed that the visitation logs showed that there was positive interaction, it pointed out that the parents had repeatedly failed to provide the “structure and limitations” that Linda needed in order to mature. On this basis, the court questioned whether the relationship was beneficial to Linda. Even assuming a beneficial relationship, the court found that Linda’s need for permanency and stability was more important. “This child is damaged by waiting.” The parents lacked a “pattern of stability,” and a legal guardianship would keep Linda in limbo. The court found that the parents had failed to prove that the parental relationship exception applied, and it terminated parental rights. Mother and father timely filed notices of appeal.⁴

II. Discussion

A. Denial of Section 388 Petitions

Mother and father contest the juvenile court’s denial of their section 388 petitions without a hearing.

“Any parent or other person having an interest in a child who is a dependent child of the juvenile court . . . may, upon grounds of change of circumstance or new evidence,

⁴ Father’s notice of appeal challenges both the court’s June 21, 2013 termination of parental rights and the court’s June 10, 2013 denial of a hearing on his section 388 petition. Mother’s notice of appeal challenges only the court’s June 21, 2013 termination of parental rights. However, mother’s appellate briefing contests both rulings.

petition the court . . . to change, modify, or set aside any order of court previously made” (§ 388, subd. (a)(1).) “If it appears that the best interests of the child may be promoted by the proposed change of order, . . . the court shall order that a hearing be held” (§ 388, subd. (d).)

Section 388 petitions “are to be liberally construed in favor of granting a hearing to consider the parent’s request. [Citations.] The parent need only make a prima facie showing to trigger the right to proceed by way of a full hearing.” (*In re Marilyn H.* (1993) 5 Cal.4th 295, 309-310.) However, “[t]he prima facie requirement is not met unless the facts alleged, if supported by evidence given credit at the hearing, would sustain a favorable decision on the petition.” (*In re Zachary G.* (1999) 77 Cal.App.4th 799, 806 (*Zachary G.*)). A juvenile court is not required to order a hearing on a section 388 petition simply because the petition alleges a change of circumstances; a hearing is required only “[i]f it appears that the best interest of the child may be promoted” by the change sought by the petition. (*Zachary G.*, at p. 806, italics omitted.) And the juvenile court’s decision need not be premised solely on the allegations of the petition. (*In re Jamika W.* (1997) 54 Cal.App.4th 1446, 1451.) “In determining whether the petition makes the necessary showing, the court may consider the entire factual and procedural history of the case.” (*In re Justice P.* (2004) 123 Cal.App.4th 181, 189 (*Justice P.*)).

We review the juvenile court’s order for abuse of discretion. (*In re Angel B.* (2002) 97 Cal.App.4th 454, 460; *In re Anthony W.* (2001) 87 Cal.App.4th 246, 250; *Zachary G.*, *supra*, 77 Cal.App.4th at p. 808; *Justice P.*, *supra*, 123 Cal.App.4th at pp. 190-191.) “The appropriate test for abuse of discretion is whether the trial court exceeded the bounds of reason. When two or more inferences can reasonably be deduced from the facts, the reviewing court has no authority to substitute its decision for that of the trial court.” (*In re Stephanie M.* (1994) 7 Cal.4th 295, 318-319.)

The burden that the parents bore was to show that the new evidence or change of circumstances alleged in the petitions demonstrated that additional reunification services

might be in Linda's best interest. Because reunification services had been terminated, the parents needed to rebut the presumption that continued non-parental custody was in Linda's best interests. (*In re Stephanie M.*, *supra*, 7 Cal.4th at p. 317.) "[A] primary consideration in determining the child's best interest is the goal of assuring stability and continuity. . . . [¶] . . . After the termination of reunification services, a parent's interest in the care, custody and companionship of the child is no longer paramount. [Citation.] Rather, at this point, the focus shifts to the needs of the child for permanency and stability." (*In re Angel B.*, *supra*, 97 Cal.App.4th at p. 464.)

Father's petition showed that he was making significant improvements in his life, and mother's showing that she had obtained a job and maintained her sobriety showed that she too was trying to improve her life. However, neither of them made any showing that these tentative improvements in their lives meant that Linda's interests might be served by additional reunification services. After nearly four years of services, father and mother still had been unable to demonstrate that they had the capacity to provide a safe and stable home for their daughter. Linda, who was just two years old when this case began and was nearly six at the time of the petitions, was suffering significant emotional problems arising from her lack of a stable and permanent home. She desperately needed a permanent home *now*. Her interests, which superseded those of the parents, demanded that there be no more delays. The juvenile court did not abuse its discretion in concluding that the parents had failed to demonstrate any possibility that Linda's interests would be served by further reunification services.

The parents argue that the court's ruling on their section 388 petitions was based on its belief that the petitions had not been timely filed. We find nothing in the record to support this speculation. When the parents announced at the scheduled section 366.26 hearing on May 30, 2013 that they were going to file section 388 petitions, the court lamented that it was better to have such petitions filed earlier so that they could be dealt with in a timely fashion. However, the court's subsequent full consideration of the

petitions at the June 2013 hearing belied any suggestion that the court's concern about the timing of the petitions played a role in its decision to deny them.

The parents assert that further reunification services were in Linda's best interest because it was in Linda's best interest to be raised by her parents, whom she loved and to whom she was bonded. Since the record indisputably demonstrated that the parents could not provide Linda with the stability and permanency that she urgently needed *now*, the juvenile court could reasonably conclude that Linda's best interests would not be served by further delaying permanency.

B. Termination of Parental Rights: Parental Relationship Exception

The parents challenge the court's failure to find that the parental relationship exception applied here and precluded termination of parental rights.

"Adoption must be selected as the permanent plan for an adoptable child and parental rights terminated unless the court finds 'a compelling reason for determining that termination would be detrimental to the child due to one or more of the following circumstances: [¶] (i) The parents have maintained regular visitation and contact with the child and the child would benefit from continuing the relationship.'” (*In re Bailey J.* (2010) 189 Cal.App.4th 1308, 1314 (*Bailey J.*)). This is known as the parental relationship exception.

The proponent of the parental relationship exception bears the burden of producing evidence of the existence of a beneficial parental relationship. Because the existence of such a relationship is a factual issue, the court's finding on this point is reviewed for substantial evidence. (*Bailey J., supra*, 189 Cal.App.4th at p. 1314.) “[A] challenge to a juvenile court's finding that there is no beneficial relationship amounts to a contention that the ‘undisputed facts lead to only one conclusion.’ [Citation.] Unless the undisputed facts established the existence of a beneficial parental or sibling relationship,

a substantial evidence challenge to this component of the juvenile court's determination cannot succeed." (*Ibid.*)

Even if the juvenile court finds a beneficial parental relationship, the parental relationship exception does not apply unless the court also finds that the existence of that relationship constitutes a "compelling reason for determining that termination would be detrimental" (§ 366.26, subd. (c)(1)(B).) A juvenile court's ruling on whether there is a "compelling reason" is reviewed for abuse of discretion as the court must "determine the *importance* of the relationship in terms of the detrimental impact that its severance can be expected to have on the child and . . . weigh that against the benefit to the child of adoption." (*Bailey J., supra*, 189 Cal.App.4th at p. 1315.)

"The factors to be considered when looking for whether a relationship is important and beneficial are: (1) the age of the child, (2) the portion of the child's life spent in the parent's custody, (3) the positive or negative effect of interaction between the parent and the child, and (4) the child's particular needs.' [Citation.] 'Interaction between natural parent and child will always confer some incidental benefit to the child. The significant attachment from child to parent results from the adult's attention to the child's needs for physical care, nourishment, comfort, affection and stimulation. [Citation.] The relationship arises from day-to-day interaction, companionship and shared experiences. [Citation.] The exception applies only where the court finds regular visits and contact have continued or developed a significant, positive, emotional attachment from child to parent.' [Citation.] Evidence of 'frequent and loving contact' is not sufficient to establish the existence of a beneficial parental relationship." (*Bailey J., supra*, 189 Cal.App.4th at pp. 1315-1316.)

It was undisputed that the parents had maintained frequent and loving contact with Linda. Although the juvenile court questioned whether the relationship between the parents and Linda was beneficial, it found that, even assuming a beneficial relationship, any detriment from its severance was outweighed by the benefits to Linda of adoption.

We review this determination for abuse of discretion. (*Bailey J., supra*, 189 Cal.App.4th at p. 1315.)

The relevant factors are mixed. Linda was at an age where she was able to form new attachments fairly easily. The fact that she had spent most of her life in parental custody reflected that the parental relationship was significant. While her contact with her parents had positive aspects, it also had the negative aspect of destabilizing her. She was always wondering if she would be returning to their care, and this confused and upset her. The most important factor was Linda's particular needs. She was in urgent need of permanence. Overall, these factors favored adoption.

We do not ignore the fact that Linda loved the parents and enjoyed their visits. Nor do we discount the likelihood that she will be sad if those visits end. On the other hand, the juvenile court had before it a great deal of evidence that Linda was enduring substantial detriment from the lack of a stable and permanent home. The presence of the parents in her life served as a constant reminder of her lack of stability. Her contact with them kept her from committing to another home. Indeed, her attack on another child at the foster home evidenced her emotional turmoil over where she would end up living. By the time of the section 366.26 hearing, Linda was already forming an attachment to the prospective adoptive parents and looking forward to living with them. Her visits with parents had tapered down to twice a month plus weekly phone calls, and both her CASA and her therapist believed that less contact with the parents was necessary to help Linda make the transition to a permanent home. Linda's emotional development was suffering from her continued contact with the parents, and a continuance of parental contact without the establishment of a permanent home would threaten her future emotional health.

While the parents characterize a legal guardianship as a permanent placement, it is not. A legal guardianship may be terminated, and it does not provide a child with the type of stability and permanence that an adoptive home provides. When a child like

Linda is in such need of stability and permanence that her emotional development is threatened, the gap between the permanence of an adoptive home and the impermanence of a legal guardianship is vast. This was not an easy case because Linda loved the parents and enjoyed their visits. Nevertheless, the juvenile court was within its discretion in deciding that the detriment to Linda from the termination of those visits would be outweighed by the benefit to her of a stable and permanent adoptive home.

III. Disposition

The orders are affirmed.

Mihara, J.

WE CONCUR:

Elia, Acting P. J.

Grover, J.